

REMARKS

A Supplemental Information Disclosure Statement filed February 5, 2004 includes the references that were listed by the applicant, but not previously submitted. Consideration of these references is now in order, per a March 12, 2004 telephone conversation between Examiner Rhode and the office of the undersigned attorney for applicant.

Submitted herewith are new drawings believed to comply with the requirements of the "Notice of Draftspersons Patent Drawing Review," PTO-948.

Claim 6 has been amended to overcome the objection thereof.

Claim 1 has been amended so it is now directed to statutory subject matter, under 35 USC 101.

Claims 8-10, 13, 20 and 23 have been canceled without prejudice to expedite prosecution.

Claims 1 and 17 have been amended in view of the decision that says "and/or" renders a claim vague and indefinite under 35 USC 112, ¶ 2. Claims 5, 6 and 11 have been amended to assure open-ended coverage. Claims 24-30 have been added to provide coverage similar to that of the canceled claims. New claims 31-36 limit the coverage of claims 1, 17 and 21.

Method claim 1, upon which claims 2-7, 11, 12, 14, 15 and 16 and new claims 24 and 25 depend, and independent system claim 17, upon which claims 18 and 19 and new claims 26-28 depend, and independent system claim 21, upon which claim 22 and new claims 29 and 30

depend, have been amended so they are patentable over the applied art, and in particular over Esposito (US 6,587,838), previously cited as anticipating claims 1, 2, 4, 8-17, 20, 21 and 23.

Step (a) of claim 1 now requires the use of a mobile device to capture the item information and send it to the service system over a mobile radio infrastructure at the time of information capture. Step (c) of claim 1 says that the item information and location are used by the server to deliver to the user at least one comparative-pricing and availability data for other business premises in a zone centered on the location. The user thus gets immediate data feedback about where the item of interest can be purchased in a locality centered on either the current location of the user or another location, such as the home location of the user.

Claim 5 requires the at least one comparative-pricing and availability data to be provided for respective zones about multiple locations. One location is the current business premises visited by the user; another location is specified by the user. Claim 6 says the at least one comparative-pricing and availability data are categorized into zones of different accessibility (walking, driving, etc). Claim 6 has been amended to make it clear that the zones are specifically identified. Claim 6 depends on claim 1 which only mentions one location. New claims 24 and 25 are of similar scope to claims 6 and 7 but depend on claim 5 and therefore deal with the case where data centered on multiple locations is provided.

The independent service system claims 17 and 21 have been amended in line with the amendments made to claim 1. New claims 26 to 28, dependent on claim 17, cover the returned data being centered on multiple locations, and the division of this data into zones of different

accessibility. New claims 29 and 30, dependent on claim 21, cover the returned data being centered on multiple locations, and specify the zones of different accessibility.

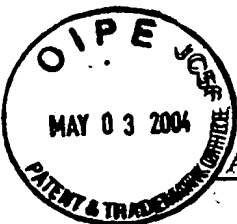
Claims 1, 17 and 21, as thus amended, clearly distinguish in a patentable manner over Esposito. Esposito notifies vendors in real time of a customer enquiry relating to a specific type of product. A vendor computer has a product database that stores information about products and services available from vendors (see col. 3, lines 31-33). Customers use client computers to select a product of interest from the product database (step 410 in Figure 4). Once a customer has selected a product of interest, the customer inputs details, including geographic information such as a postal code or telephone area code (see step 414, Figure 4; col. 4, lines 61-63; col. 3, lines 39-41). The vendor computer uses this information to select vendors within a region determined by the geographic information. The vendors who are then notified over a wireless network (step 426, Figure 4; col. 5, lines 12-15). Finally, the original customer is notified that a merchant will contact him/her (col. 5, lines 19).

Esposito fails to disclose or suggest portable client computers being mobile and thus fails to anticipate or make obvious the claim 1 requirement for use of a mobile device at a business premise where an item of interest is being offered, to capture information about that item and send the information, at the time of capture, to a service system over at least a mobile radio infrastructure. The client computer is described and illustrated as being connected to a packet network, in contrast to vendor terminals having a wireless connection to the vendor computer. Esposito does not capture item information. Instead, the customer simply selects from a

database of products. The only information that is specifically fed back to the customer is that the merchant will contact the customer, which may or may not happen. Esposito has no disclosure of providing comparative pricing or availability data. In a preferred Esposito embodiment, only one vendor is notified of the customer inquiry. From these features, it is clear that the Esposito client computers are not intended to be installed in stores for use by customers. No business is going to facilitate access by a customer already present in its premises to a competitor. Furthermore, since the client computers are not wireless-enabled or portable, they are not customer devices intended to be used in a store.

Based on the foregoing, independent claims 1, 17 and 21, as well as the claims dependent thereon, are patentable over Esposito. The secondary applied reference, i.e., Semple et al. (US 6,408,307), and the other references of record do not cure the foregoing problems of the Esposito reference and therefore are patentable. In particular, Semple fails to disclose a mobile device to capture item information at a business premise where the item is on sale. It is quite clear that the Semple system, like Esposito, would not be installed in a store to enable a customer to find out, from competing stores, comparative item pricing and item availability. Neither Esposito nor Semple addresses the problem of a shopper obtaining on a realtime basis, geographically-relevant, comparative pricing and availability information.

There is no disclosure in Semple of the claim 5 feature of multiple locations that are simultaneously reported on to the user,. With regard to claims 6 and 7, Semple does not disclose reporting on the basis of multiple zones of different accessibility. Further, claim 6



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now refers to the different zones being "identified".


The present application has the same description as co-pending, commonly assigned US application Serial Number 09/892,392, our reference 1509-153.

In view of the foregoing amendments and remarks, allowance is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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On April 30, 2004